

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 KHARI VARNER

Case No. 2:24-cv-02105-CDS-EJY

5 Plaintiff,

6 v.

7 UNIVERSITY MEDICAL CENTER OF
8 SOUTHERN NEVADA,

9 Defendant.

REPORT AND RECOMMENDATION

10 Plaintiff, who is not incarcerated and is appearing pro se, filed a Complaint on November 13,
11 2024 that was screened on November 22, 2024. ECF Nos. 1-1, 6. Plaintiff was granted through
12 December 23, 2024 to file an Amended Complaint, which he did on December 3, 2024. ECF No.
13 7. The Amended Complaint was dismissed on January 7, 2025 with leave to file a second amended
14 complaint no later than February 3. ECF No. 9. To date Plaintiff has not filed a second amended
15 complaint; nor has he otherwise communicated with the Court.

16 Accordingly, and based on the foregoing, IT IS HEREBY RECOMMENDED that this matter
17 be dismissed in its entirety without prejudice but without leave to amend.

18 DATED this 13th day of February, 2025.

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21 ELAYNA J. YOUCAH
22 UNITED STATES MAGISTRATE JUDGE

23 **NOTICE**

24 Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in
25 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court holds
26 the courts of appeal may determine that an appeal has been waived due to the failure to file objections
27 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit also held
28 that (1) failure to file objections within the specified time and (2) failure to properly address and

1 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
2 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
3 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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